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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,475	05/10/2001	Warren A. Ceroll	0275A000385	6023
27572	7590	03/02/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			PRONE, JASON D	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3724	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/852,475

Applicant(s)

CEROLL ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 11 lines 7-13 and lines 22-23, the phrases "When it is desired to reset support table 44 to a new miter angle, locking lever 72 of miter locking mechanism 66 is first moved to its released position as shown in Figure 9a or 9b and the outer end of lever 94 is pushed downward to pivot lever 94 in a clockwise direction as shown in Figure 9c. This clockwise rotation of lever 94 causes the inner end of lever 94 to lift detent spring 92 causing the disengagement of detent 98 with its respective detent slot as shown in Figure 9c" and "With table 44 locked to base assembly 12 as shown in Figure 9c" are unclear. It is assumed that Figure 9c is the locked position. It is uncertain "When it is desired to reset the support table" how the table is released when the outer end of lever 94 is pushed downward to pivot lever 94 in a clockwise direction as shown in Figure 9c, when Figure 9c is the locked position. It is uncertain how the clockwise rotation of lever 94 causes the inner end of lever 94 to lift detent spring 92 causing the disengagement of detent 98 with its respective detent slot as shown in

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Figure 9c, when Figure 9c is the considered the locked position. Basically it is not understood how Figure 9c shows a locked position and a position that allows the table to be reset.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 and 6-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In regards to claim 1 line 4, the phrase "a detent system disposed between said table and said base" is not clear. From Figure 5, the only thing disposed between the table and base is the detent spring 92. The detent system is clearly disposed within housing 70 and in-between the miter lock mechanism 66 and the detent spring.

6. In regards to claim 1 line 5, the phrase "a detent lever pivotally attached to the table" is unclear. From Figure 6, it appears that the detent lever is pivotally attached to the housing 70.

7. In regards to claim 1 line 10, the phrase "a locking mechanism is disposed between said table and said base" is not clear. From Figure 5, the only thing disposed between the table and base is the detent spring 92. The locking mechanism is clearly disposed partly within housing 70 and adjacent the detent lever.

8. In regards to claim 1 line 11, the phrase "a locking lever pivotally attached to the table" is unclear. From Figure 6, it appears that the locking lever is pivotally attached to the housing 70.

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9. In regards to claim 11 line 3, the phrase "a detent system disposed between said table and said base" is not clear. From Figure 5, the only thing disposed between the table and base is the detent spring 92. The detent system is clearly disposed within housing 70 and in-between the miter lock mechanism 66 and the detent spring.

10. In regards to claim 11 line 5, the phrase "a detent lever pivotally attached to the table" is unclear. From Figure 6, it appears that the detent lever is pivotally attached to the housing 70.

11. In regards to claim 11 line 12, the phrase "a locking mechanism is disposed between said table and said base" is not clear. From Figure 5, the only thing disposed between the table and base is the detent spring 92. The locking mechanism is clearly disposed partly within housing 70 and adjacent the detent lever.

12. In regards to claim 11 line 15, the phrase "a locking lever pivotally secured to the table" is unclear. From Figure 6, it appears that the locking lever is pivotally secured to the housing 70.

Allowable Subject Matter

13. Claims 1-4 and 6-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287.

The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
February 19, 2004



Allan N. Shoap
Supervisory Patent Examiner
Group 3700